

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b)) MB Docket No. 03-174
Table of Allotments,) RM-10754
FM Broadcast Stations.)
(Ehrenberg, Arizona))

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: October 22, 2003

Released: October 24, 2003

By the Assistant Chief, Audio Division:

1. The Audio Division considers herein the *Notice of Proposed Rule Making* ("Notice")¹, issued at the request of Daniel R. Feely ("Petitioner"), proposing the allotment of Channel 286C2 to Ehrenberg, Arizona, as that community's first local aural transmission service. Petitioner filed comments reiterating an intention to apply for Channel 286C2 if allotted to Ehrenberg, as requested. No additional comments or counterproposals were received in response to this proceeding.

2. As stated in the *Notice*, Ehrenberg is an incorporated community with a 2000 U.S. Census population of 1,357 persons, which is a Census Designated Place ("CDP") located in La Paz County in Western Arizona along Interstate Highway 10 at the border of Arizona and California. A U.S. Census designation of an area as a CDP raises the presumption that an area is a "community" for allotment purposes, that presumption is rebuttable.² Therefore, the Petitioner was asked to submit additional information demonstrating that Ehrenberg is a "community" for allotment purposes. In its comments, Petitioner stated that Ehrenberg has its own volunteer fire department, post office and zip code (85334), telephone exchange (978-923), chamber of commerce, elementary school, motel, campground, denture clinic, auto center, and self store with some businesses bearing the name of the community. Ehrenberg also has two churches and two grocery stores. Based on the information provided by the Petitioner, we conclude that Ehrenberg is a "community" for allotment purposes.

3. In view of the interest expressed in providing a first local aural transmission service to Ehrenberg, we will allot Channel 286C2 to that community, as requested. As stated in the *Notice*, Channel 286C2 can be allotted to Ehrenberg, consistent with the minimum distance separation requirements of the Commission's Rules, provided there is a site restriction 28.8 kilometers (17.9 miles) northeast to avoid short-spacing to the license sites of Station KBUX, Channel 232A, Quartzsite, Arizona and Mexican Station XHMC-FM, Channel 285B, Mexicali, BN.³ Although concurrence has been requested for Channel 286C2

¹ See *Ehrenberg, Arizona*, 18 FCC Rcd 15405 (MB 2003).

² See *Stock Island, Florida*, 8 FCC Rcd 343 (M.M. Bur. 1993), *East Hemet, California, et al.*, 4 FCC Rcd 7895 (M.M. Bur. 1989), and *Hannahs Mill and Milledgeville, Georgia*, 7 FCC Rcd 3944 (M.M. Bur. 1992).

³ The reference coordinates for Channel 286C2 at Ehrenberg are 33-48-00 North Latitude and 114-19-12 West Longitude

at Ehrenberg, notification has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Mexican government, the construction permit will include the following condition: "Use of this allotment is subject to suspension, modification, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the 1992 USA-Mexico FM Broadcast Agreement or if specifically objected to by Mexico's Secretaria de Comunicaciones Y Transportes."

4. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective December 8, 2003, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>Community</u>	<u>Channel No.</u>
Ehrenberg, Arizona	286C2

5. The window period for filing applications for Channel 286C2 at Ehrenberg will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

6. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

7. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau